

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DOG & BONE HOLDINGS PTY LTD,)	
)	Civil Action No. 16-cv-03932-PKC
Plaintiff,)	
)	
v.)	
)	
NOKĒ LLC and FŪZ DESIGNS LLC)	DEMAND FOR JURY TRIAL
)	
Defendants)	
)	
)	
)	

DOG & BONE'S ANSWER TO DEFENDANTS' COUNTERCLAIMS

Plaintiff and Counterclaim Defendant Dog & Bone Holdings Pty Ltd (“Dog & Bone”), by way of this Answer to Nokē LLC’s and Fūz Designs LLC’s (collectively “Nokē’s” or “Defendants”) Counterclaims, states:

Dog & Bone denies each and every allegation in Defendants’ Answer, Defenses and Counterclaims (Doc. 17), except as hereinafter specifically admitted or explained. To the extent that the headings, or any non-numbered statements, in Defendants’ Answer, Defenses and Counterclaims contain any allegations against Dog & Bone, Dog & Bone denies each and every allegation therein.

For ease of reference, the paragraph numbering and headings herein track those of Defendants’ Counterclaims.

COUNTERCLAIMS

PARTIES

1. Dog & Bone admits that Nokē’s counterclaims purport to assert an action for declaratory judgment pursuant to the patent laws and other laws of the United States.

2. On information and belief, admitted.

3. On information and belief, admitted.

4. Dog & Bone admits that it is organized under the laws of Australia and its principal place of business is at 6/39 Jeays Street, Bowen Hills, QLD 4006, Australia, and denies the remaining allegations of this paragraph.

JURISDICTION AND VENUE

5. Dog & Bone admits that Nokē's counterclaims are brought under the Declaratory Judgment Act and purport to seek adjudication that certain claims of U.S. Patent No. 9,109,379 ("the '379 Patent") are not infringed and/or are invalid.

6. Dog & Bone admits that it is subject to personal jurisdiction in this Court because it has filed the present patent infringement and false advertising action in this district. Dog & Bone admits that this Court has subject matter jurisdiction over Nokē's counterclaims pursuant to 28 U.S.C. §§ 1331, 1338.

7. Dog & Bone admits that this Court is a proper venue for Nokē's counterclaims pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

ACTUAL CASE AND CONTROVERSY

8. Admitted.

9. Dog & Bone admits that its Complaint alleges that Nokē has and continues to infringe certain claims of the '379 Patent and that Nokē's Answer and Counterclaims purport to deny those allegations. To the extent this paragraph appears to contain other allegations, Dog & Bone denies them.

10. Dog & Bone admits that Nokē alleges that there is a substantial, justiciable, and continuing controversy between Dog & Bone and Nokē as to the non-infringement and invalidity of the '379 Patent. Dog & Bones denies these allegations.

11. Dog & Bone lacks sufficient information to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

FIRST COUNTERCLAIM

12. Dog & Bone incorporates herein its responses from the preceding paragraphs as if fully set forth herein.

13. Dog & Bone denies any and all allegations contained in this Paragraph.

14. Dog & Bone denies any and all allegations contained in this Paragraph.

15. Dog & Bone denies any and all allegations contained in this Paragraph.

16. Dog & Bone admits that Nokē seeks a declaratory judgment that it has not infringed the claims of the '379 Patent, but denies that Nokē is entitled to such relief.

SECOND COUNTERCLAIM

17. Dog & Bone incorporates herein its responses from the preceding paragraphs as if fully set forth herein.

18. Dog & Bone denies any and all allegations contained in this Paragraph.

19. Dog & Bone admits that Nokē seeks a declaratory judgment that the claims of the '379 Patent are invalid, but denies that Nokē is entitled to such relief.

PRAYER FOR RELIEF

Paragraphs 1-9 following Paragraph 19 of Nokē's Counterclaims state a Prayer for Relief for which no responsive pleading is required. To the extent a response is necessary; Dog & Bone denies that Defendants are entitled to any of the requested relief.

Dated: July 21, 2016

Stoyanov Law P.L.L.C.

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